

Robert Novak
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RECEIVED
IN CHAMBERS OF
HON. WILLIAM D. WALL
★ MAY 21 2010 ★
TIME A.M.
P.M.

May 21, 2010

Honorable Magistrate Judge William D. Wall, U.S.M.J.
United States District Court
Long Island Federal Courthouse
843 federal Plaza
Central Islip, New York 11722-4449

Re: Novak v. Active Window Pub, Et Al No. Cv 01- 3566 (DRH-WDW)

Judge Wall,

The nightmare continues It Is time for the Court to issue sanctions against Ms. Kouril.

At the last conference call she was supposed to add two weeks to the stipulation dates, she made numerous errors in the days and the years; I corrected them and returned same along with exhibit A containing 507 pages and two notarized general releases on May 17th, before noon.

These were hand delivered to her office in a large package in person by my employee Garret Travers, who will testify that they were delivered.

He also delivered the transcript on May 19th,
The redactions were to be completed by May 20 th, they were not.

I faxed a note to Ms Kouril see attached she faxed back a note saying she never received them.

If the Court recalls the last time she didn't received something she sent the Court a letter that I violated the terms of the settlement.

This time she chose not to and not comes up with this story.

I request the court to put an end to her game playing, I spent many hours preparing the exhibits, what did she do throw them in the garbage?

Respectfully submitted

Robert Novak

**Robert Novak
1550 Sunrise Hwy
Coplague, New York 11726
631.842.0400 Fax 631.842.1476**

May 20, 2010

3:00 PM

Re: Novak v. Active Window Pub, Et Al No. Cv 01- 3566 (WDW)

Att: Cynthia Kouril.

As of now none of the requested redactions as exhibit A have been made I see no changes at this time.

If you would please take a look at the stipulation there is a conflict of timing in paragraphs 5, 6 & 7.

I can't confirm that the redactions or deletions are complete at 3 PM when the defendant has until 5PM to complete them.

Therefore, paragraphs 6,7 & 8 need to be modified from May 20, 2010 to May 21, 2010.

I think since it is such an obvious error we need not bother the Judge.

Bob Novak

05/20/2010 15:47 6318458779

ROBERT L. FOLKS

NO. 166

004

ROBERT L. FOLKS & ASSOCIATES, LLP
ATTORNEYS AT LAW

510 Broad Hollow Road, Suite 304A
Melville, New York 11747

ROBERT L. FOLKS
CYNTHIA A. KOURIL

(631) 845-1900
Telecopier: (631) 845-8779

Thomas L. Costa
Of Counsel

TO: Robert Novak
FROM: Cynthia Kouril
DATE: 5-20-10
RE: Novak/Rosenstein
FAX NO: (631) 842-1476

NUMBER OF PAGES EXCLUDING THIS PAGE: - 0 -

COMMENTS: WE HAVE NOT RECEIVED EXHIBIT
AS OF 4:05 AM MAY 20, 2010 Therefore,
is impossible to do the redactions

PLEASE CALL IF ANY PAGES ARE MISSING FROM TRANSMITTAL

CONFIDENTIALITY NOTE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT NOVAK d/b/a Pets Warehouse, com.,

Plaintiff,

-against-

ACTIVE WINDOW PUBLICATIONS, INC.,
MARK ROSENSTEIN, CYNTHIA POWERS,
DAN RESLER, JARED WEINBERGER,
THOMAS BARR, "JOHN DOE" and
"MARY DOE".

Defendants.

Index No. CV 01 3566

X
STIPULATION OF
SETTLEMENT

WHEREAS, Plaintiff Robert Novak, d/b/a Pets Warehouse.com., commenced suit against, *inter alia*, Mark Rosenstein and Active Window Productions, Inc., miscaptioned as Active Window Publications, Inc. (hereinafter collectively "Settling Defendants") on or about May 30, 2001; and

WHEREAS, Settling Defendants interposed an Answer and Counterclaims opposing this action, on or about July 17, 2001, and thereafter various litigation of motions and discovery were had; and

WHEREAS, the Plaintiff and Settling Defendants now wish to settle and stipulate the end of the above captioned matter and Counterclaims between them;

NOW come the Plaintiff and Settling Defendants and hereby covenant and agree as follows:

1) On or before Noon on May 17, 2010, Plaintiff shall deliver to Defendants' counsel the following:

- A hard copy sample of each and every webpage entry upon which Plaintiff wishes redactions to be made. Each sample shall have the portion to be redacted marked with colored "highlighter" ink indicating the exact text to be redacted. A copy of this collection of samples will be appended to this Stipulation as Exhibit "A" and shall constitute the record of the only redactions to be made pursuant to this Stipulation.
- A General Release made out in favor of "Mark Rosenstein, individually and in his capacity as owner and executive of Active Window Productions, Inc., miscaptioned as Active Window Publications, Inc.", "Active Window Productions, Inc." and Active Window Publications, Inc.".

2) On or before Noon on May 17, 2010, Defendants' signatory hereto shall deliver to Settling Defendants' counsel the following:

- A General Release in favor of Robert Novak
- A check for \$10,000.00 made out to Robert Novak
- Instructions and codes necessary to effect the transfer of the domain name Pets-Warehouse.net

3) Counsel for Settling Defendants shall hold all releases, the check and the domain name transfer information in escrow pending the full satisfaction of all terms and conditions of this Stipulation.

4) On or before 5 PM on May 17, 2010, Plaintiff shall deliver one complete copy of the deposition of Mark Rosenstein taken on January 26, 2010 to defendant Rosenstein or to defense counsel.

5) On or before 5 PM on May 26, 2010, Settling Defendants will complete all redactions as shown on Exhibit A hereto. 2010

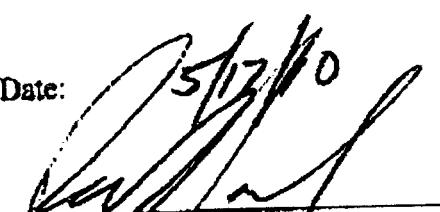
6) On or before 3 PM May 26, 2010, Plaintiff will either confirm, in writing, that all redactions shown on Exhibit A hereto are accurate and complete, or shall provide a written "punch list" of any redactions which are inaccurate or incomplete. Plaintiff may not vary from the redactions shown on Exhibit A hereto.

7) On or before 5 PM on May 26, 2010, Settling Defendants will complete any "punch list" items and plaintiff will confirm in writing that redactions are complete and accurate.

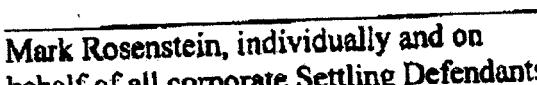
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8) On or before 6 PM on May 24, 2010, defense counsel shall release all items from escrow and send to the respective parties via UPS for tracking purposes.

Date:

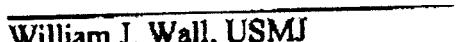

Robert Novak
Plaintiff, pro se

Date:


Mark Rosenstein, individually and on
behalf of all corporate Settling Defendants

The parties are directed to file this Stipulation under seal.

SO ORDERED:


William J. Wall, USMJ